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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/689,299

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Alvin M. Pepito

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03/09/2005

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EXAMINER

SAWHNEY, HARGOBIND S

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/689,299

Applicant(s)

PEPITO ET AL.

Examiner

Hargobind S. Sawhney

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19 is/are allowed.
- 6) ☒ Claim(s) 1,7-15,18 and 20 is/are rejected.
- 7) ☒ Claim(s) 2-6,16 and 17 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/20/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Diaco (US Patent No.: 6,585,394 B2) in view of Hsu (US Patent No.: 6,394,624 B1).

Regarding Claim 1, Diaco ('394 B2) discloses a lighting system (Figure 9) comprising:

- a light string 70,72 - the combination including element 70 and 72, including a main electric cord 70 and a plurality of light strands 72 connected to, and extending outwardly from the main electric cord 70 (Figure 9, column 5, lines 29-32); and
- a mounting bracket 20 able to receive a plurality of fasteners 40, and supporting the main electric cord 70 (Figure 9, column 5, lines 26, 27 and 43).

However, Diaco ('394 B2) does not teach a plurality of light covers each able to receive one of the plurality of light strands.

On the other hand, Hsu ('624 B1) discloses a decorative artificial icicle assembly (Figure 3) including:

- a plurality of light covers 10 each receiving a light strand 30 (Figures 2 and 3, column 2, lines 49-52);

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the lighting system of Diaco ('394 B2) by providing light covers as taught by Hsu ('624 B1) for the benefits of increasing decorative value of the festival lighting.

Regarding claims 7-15, Diaco ('394 B2) in view of Hsu ('624 B1) discloses the lighting system further comprising:

- each of the plurality of strands 72 comprising a plurality of electrical lights receiving power from the main electrical cord 70 (Diaco, Figure 9, column 4, lines 19-21; and column 5, lines 1-3);
- the light cover being translucent (Hsu, Figures 2 and 3, column 1, lines 40-43, and column 2, lines 49-52);
- each of the light strands 72 including two opposed; one of the ends connected to the main electrical cord 70 (Diaco, Figure 9);
- the strands 72 connected to the electrical cord at regular intervals (Diaco , Figures 9);

- the main electrical cord 34 including an electrical receptacle at one end, and an electrical plug at the other end (Hsu, Figure 3);
- a mounting bracket 20 being substantially "S" shaped in cross section (Diaco, Figure 9, column 5, lines 26, 27 and 43);
- the rear section 26 of the mounting bracket 20 including a plurality of slots able to receive the fasteners 40 (Figure 9);
- the mounting bracket including a trough supporting the main electrical cord 20 (Diaco, Figure 9);

Regarding Claim 20, Diaco ('394 B2) in view of Hsu ('624 B1) discloses a lighting system comprising:

- all apparatus limitations as detailed above for the rejection of Claim 1; and
- each of the plurality of light covers 10 (Hsu, Figures 2 and 3, column 2, lines 49-52) including a connecting member 24 connectable to the mounting bracket 20 (Diaco, Figure 9, column 5, lines 26, 27 and 43).

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Diaco (US Patent No.: 6,585,394 B2) in view of Hsu (US Patent No.: 6,394,624 B1) as applied to Claim 1 above, and furthering view of Contigiani (US Patent No.: 6,033,088).

Diaco ('394 B2) in view of Hsu ('624 B1) discloses a light system including a bracket supporting an electrical cord and a string of lights. However, neither in combination or individually Diaco ('394 B2) in view of Hsu ('624 B1) discloses a a bracket a mounting bracket cover covering the mounting bracket.

On the other hand, Contigiani ('088) discloses a decorative lighting system 20 including a mounting bracket 30 including a cover 38 (Figures 1 and 2, column 2, lines 31-39).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the lighting system of Diaco ('394 B2) in view of Hsu ('624 B1) by providing mounting bracket cover as taught by Contigiani ('088) for the benefits of increasing decorative value and appearance of the festival lighting.

Allowable Subject Matter

4. Claims 2-6, 16 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The prior art of record, including Diaco (US Patent No.: 6,585,394 B2) in view of Hsu (US Patent No.: 6,394,624 B1), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose lighting system combining:

- a mounting bracket including a plurality of "U" shaped cuts in it upward directed edge receiving the connecting member of the light cover as recited in Claims 2 and 16.

Therefore claims 2 and 16 are objected over prior art.

Claims 3-6 are necessarily objected because of their dependency on the objected base Claim 2.

Claim 17 is necessarily objected because of their dependency on the objected base Claim 16.

5. Claim 19 is allowed.

The prior art of record, including Diaco (US Patent No.: 6,585,394 B2) and Hsu (US Patent No.: 6,394,624 B1), does not show or suggest the applicant's invention as claimed. Specifically, the prior art of record does not disclose lighting system combining:

- a mounting bracket including a plurality of "U" shaped cuts in it upward directed edge receiving the connecting member of the light cover as recited in Claims 2 and 16.

Neither combined nor individual teaching of Diaco (US Patent No.: 6,585,394 B2) and Hsu (US Patent No.: 6,394,624 B1) discloses a mounting bracket including a plurality of "U" shaped cuts in it upward directed edge receiving the connecting member of the light cover. Thus Diaco (US Patent No.: 6,585,394 B2) in view of Hsu (US Patent No.: 6,394,624 B1) does not meet the limitations of Claim 19.

Therefore Claim 19 is allowed over prior art.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Guimond (U.S. Patent No. 6,494,591 B1), Adler (U.S. Patent No. 6,224,239 B1) and Miller (U.S. Patent No. 3,704,365), Richarson Miller (U.S. Patent No. 3,302,013) Kvarda, Jr. (U.S. Patent No. 3,204,090) and McQuoid (Canadian Patent No. : CA2,309,877)

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is 571 272 2380. The examiner can normally be reached on 6:15 - 2:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571 272 2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HSS
3/2/05


ALAN CARIASO
PRIMARY EXAMINER